IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.11737 of 1999

Dated: July 12, 2006

Between:

Mohd. Yousuf, S/o. Jakhir Ahmed, aged about 49 years,
Occ: Driver, Staff No.E-39302, Deverakonda Depot,
R/o.Deverakonda, Nalgonda District.

… Petitioner

And

The General manager-cum-Managing Director,
APRSTC, Musheerabad, at Hyderabad, and others.

… Respondents

Order:

The petitioner, a driver in the respondent corporation, has filed this writ petition questioning the orders dated 28-05-1998, passed by the third respondent, as illegal and arbitrary, and a consequential direction to the respondents is sought to count his seniority in the Nalgonda Diision from the date of his initial appointment.

2. The petitioner was initially appointed as a cleaner on 01-04-1979 in APSRTC Depot, Devarakonda, Nalgonda District and

subsequently promoted as driver in 1974. After working at different places, he was transferred to Hyderabad-I Division. He was again transferred from Hyderabad-I to Devarakonda Depot, which was in Mahabubnagar Division, then. The said transfer was effected on 06-07-1981 on his own request. On being transferred to Mahabubnagar Division, he joined in Devarakonda Depot on 14-07-1981 and from that date, his seniority was counted.

3. The case of the petitioner is that he when was transferred from Devarakonda to Hyderabad and thereafter to Mahabubnagar Division, the respondents did not indicate to him that he would lose his seniority, i.e. his seniority would not be counted from the date of his initial appointment. The petitioner is said to have opted to get transferred to his parent division at Nalgonda and after a period of one and a half year, he was transferred to Nalgonda Division. The case of the petitioner is that he was not being promoted on the ground that he does not possess requisite educational qualification. The petitioner's grievance is that his service is being counted from 14-07-1981 at APSRTC Depot, Devarakonda, i.e. from the date of his re-transfer from Hyderabad. He questions the same by way of this writ petition.

4. Counter affidavit has been filed by the respondents stating that the transfer of petitioner from Hyderabad-I Division to Devarakonda, was on his own request and he has also given an undertaking to the effect that he would forego his seniority in Hyderabad Division. It is stated that basing on the said undertaking, he was transferred to Devarakonda depot.

5. It is to be seen that the impugned order clearly indicates that the petitioner would lose his seniority on his transfer from Hyderabad-I Division to Devarakonda of Mahabubnagar Division. The petitioner,

having accepted the same and after giving undertaking to that effect, cannot contend that he seniority should be counted from the date of his initial appointment as driver. In that view of the matter, I do not find any illegality in the action of the respondents in rejecting the representation of the petitioner for counting his seniority from the date of his initial appointment as driver.

6. The writ petition is devoid of merits and is accordingly dismissed. There shall be no order as to costs.

JUSTICE R. SUBHASH REDDY.

July 12, 2006
MRR